

Appeal Decision

Site visit made on 24 October 2016

by Paul Freer BA (Hons) LL.M MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 October 2016

Appeal Ref: APP/R5510/C/16/3151659

Land on the northern boundary of Shurgard House, Westmount Centre, Uxbridge Road, Hayes, UB4 0HD and adjacent to Tollgate Drive

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Marc Oursin against an enforcement notice issued by the Council of the London Borough of Hillingdon.
 - The notice was issued on 3 May 2016.
 - The breach of planning control as alleged in the notice is, without planning permission, the installation of a boundary fence.
 - The requirements of the notice are:
 - (i) Remove the boundary fence which is approximately 2.4 metres high from the land (shown in the approximate area by a blue line on the plan attached to the notice).
 - (ii) Remove from the land all debris, waste, building materials, plant equipment and machinery resulting from the demolition works.
 - The period for compliance with the requirements is two (2) calendar months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.
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Summary Decision: The appeal is allowed, the enforcement notice is quashed and planning permission is granted in the terms set out below in the Formal Decision.

Reasons

1. The appeal on ground (a) is that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted. The Council has stated one substantive reason for issuing the enforcement notice, from which the main issue raised is the effect on the street scene within Tollgate Drive.
 2. The boundary fence subject to the notice has been erected along the northern boundary of Shurgard House, adjacent to Tollgate Drive. The street scene in this part of Tollgate Drive is comprised of two main components, both viewed in the context of the open space provided by Grand Union Canal which runs north to south at this point.
 3. The street scene on the south side of Tollgate Drive is dominated by an industrial building of a height equivalent to some four storeys, this being part of a larger site known as the Westmount Centre that is occupied by Shurgard as a storage and distribution warehouse. The scale and design of the metal-clad building are overtly industrial and the presence of this building provides the south side of Tollgate Drive with a distinctly industrial appearance.
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4. The street scene on the northern side of Tollgate Drive is occupied by a relatively modern residential development, part of larger residential scheme that follows Tollgate Drive as that road turns north to parallel the Grand Union Canal. The houses that front onto this part of Tollgate Drive, although of varying height and design, are residential in scale and appearance, such that this side of Tollgate Drive has an overtly residential appearance.
5. I understand that the parcel of land now enclosed by the boundary fence originally formed an area of landscaping designed with the specific purpose of providing a soft buffer between the scale and bulk of the industrial building and the residential properties opposite. This landscaping was intended to provide a continuous green buffer between the junction of Tollgate Drive with Delaware Road and the Grand Union Canal.
6. However, whilst I recognise the merit of this intention, the height, scale and bulk of the industrial building is such that it dominates the street scene on the south side of Tollgate Drive. In the context of this industrial building and when viewed against it as a backdrop, the boundary fence appears subordinate and does not significantly affect the street scene, insofar as the industrial building remains the dominant feature. Moreover, whilst the boundary fence largely obscures the ground surface from view, a number of trees have been retained within the parcel of land enclosed by the fence. These trees provide an element of soft landscaping in the street scene and, at least to some extent, continue a residual green buffer along this side of Tollgate Drive.
7. The fence is constructed of galvanised metal, is industrial in scale and has an uncompromising design that betrays its function. I recognise that these are all features that would normally be inappropriate in a residential context. However, in this case, the juxtaposition of the industrial building and the residential development opposite is such that the boundary fence is typically viewed against the backdrop of the metal-clad industrial building. In these views, the fence appears functionally appropriate and dimensionally proportionate to the building with which it is associated, and does not appear unduly prominent in the context of that building. Importantly, at no point is the fence viewed in the same context of the houses on the north side of Tollgate Drive. In this respect, the erection of the fence does not alter the fundamental composition of the street scene in terms of being comprised of two distinct parts on either side of Tollgate Drive.
8. For all these reasons, I conclude that the installation of the boundary fence has not unacceptably harmed the street scene within Tollgate Drive. I therefore conclude that the development alleged in the notice does not conflict with Policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies, or Policies BE13, BE19 or BE38 of the Hillingdon Local Plan: Part Two – Saved UDP Policies. These policies require, amongst other things, that all new development is designed to be appropriate to the identity and context of buildings and townscapes, an objective with which the boundary fence accords.
9. The Council has suggested just one condition should I be minded to allow the appeal, this being that details or samples of materials, colours and finishes should be submitted to the Council for approval. However, for the reasons set out above, I am satisfied that the fence as installed is acceptable in terms of its appearance in this particular location. Accordingly, I consider that the condition suggested by the Council is not necessary.

10. Having regard to the above, I conclude that planning permission ought to be granted. The appeal on ground (a) succeeds and planning permission will be granted in terms that I set out in the Formal Decision below.

Formal Decision

11. The appeal is allowed and the enforcement notice is quashed.
12. Planning permission is granted on the application deemed to have been made under section 177(5) of the Act as amended for the development already carried out, namely the installation of a boundary fence at Land on the northern boundary of Shurgard House, Westmount Centre, Uxbridge Road, Hayes, UB4 0HD and adjacent to Tollgate Drive, as shown on the plan attached to the notice.

Paul Freer

INSPECTOR